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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,827	05/17/2006	Jong Hee Hong	JUN 127NP	5744
23995	7590	04/01/2009		
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER AKINYEMI, AJIBOLA A	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 04/01/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,827

Applicant(s)

HONG, JONG HEE

Examiner

AJIBOLA AKINYEMI

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CIS)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alis (Pub. No.: US 2001/0035444A1) and further in view of Ghassabian (Pub. No.: US 2004/0209657A1), Edreich (Pub. NO.: US 2002/0193151A1) and Tong (Pub. No.: US 2003/0003969A1).

With respect to claim 1:

Alis disclosed a buckle-phone coupled with a belt, including a mobile phone accommodating section (fig.6, item 10) for attachably and detachably supporting the mobile phone the side of the mobile phone being coupled with the side of the belt; buckle provided at the other side of the mobile phone support and coupled with the other side of the belt so as to adjust the belt length to correspond to the user's waist

size (fig.6). Alis did not disclose a mobile phone bent in the length direction of a belt corresponding to users waist, an earphone assembly electrically connected to the mobile phone installed in the mobile phone support, and including earphones, a microphone, and an earphone wire connected with the mobile phone support, the earphones, and the microphone; an earphone accommodating section provided at the mobile phone support and accommodating the earphone assembly; earphone assembly including an earphone main body installed with the earphone; and a microphone installing section installed with the microphone and extendably coupled with the earphone main body and the earphone accommodating section comprising an elastic reel for winding the earphone wire to be elastically withdrawn;;

Ghassabian disclosed a mobile phone which is bent in the length direction of a belt corresponding to users waist (fig.1A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a mobile phone bent in the length direction of a belt in order to be able to carry the phone comfortably with the body without any distraction. Edreich disclosed an earphone assembly electrically connected to the mobile phone installed in the mobile phone support, and including earphones, a microphone, and an earphone wire connected with the mobile phone support, the earphones, and the microphone; an earphone accommodating section provided at the mobile phone support and accommodating the earphone assembly (fig.3); earphone assembly including an earphone main body installed with the earphone; and a microphone installing section installed with the microphone and extendably coupled with the earphone main body and the earphone accommodating section comprising an

elastic reel for winding the earphone wire to be elastically withdrawn; (fig.7 and 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the above limitation in order to be free from distraction.

Alis, Ghassabian and Edreich did not disclose a signal terminal provided at the mobile phone for making contact with the mobile phone support so as to enable communication at least one terminal contact protrusion which protrudes from the mobile phone accommodating section so as to make contact with the signal terminal, and being connected with the earphone assembly, the mobile phone being usable to communicate both when it is removed from the mobile phone support, and while it is retained in the mobile phone support by using the earphone assembly; and an elastic member coupled to the terminal contact protrusion and enabling the terminal contact protrusion to elastically push out against the signal terminal; hook coupling sections provided at sides of the mobile phone; and hooks provided at the mobile phone accommodating section and being coupled with and released from the hook coupling sections. Tong discloses the above limitation except for the hook provided at the side of the mobile phone but it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the above limitation for a design purpose and also for the phone to be able to hang very well on a belt or else where on user's body.

Response to Arguments

4. Applicant's arguments filed 12/29/2008 have been fully considered but they are not persuasive. Regarding claim 1, applicant argued that none of the references disclose **"when the phone is removed from the mobile phone support and when the phone is retained in the mobile phone support by using earphone assembly"**. The examiner respectfully disagrees with the statement because based on the broadest reasonable interpretation in light of specification; claim 1 does not reflect such disclosure. Claim 1 only disclose mobile phone accommodating section attachably and detachably supporting the mobile phone. Alis reference discloses a mobile phone accommodating section (fig.6, item 12) which is attached to the belt to support the mobile phone and this can also be detach from the belt, therefore previous rejection stands.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIBOLA AKINYEMI whose telephone number is (571)270-1846. The examiner can normally be reached on monday- friday (8.30-5pm) Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, YUWEN PAN can be reached on (571) 272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yuwen Pan/
Primary Examiner, Art Unit 2618